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APPLICATION NUMBER	FILING DATE	ORP ART UNIT	FIL FEE REQ'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
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CONFIRMATION NO. 8476

UPDATED FILING RECEIPT



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Date Mailed: 12/21/2001

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Applicant(s)

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** SMALL ENTITY **

Title

Asthma/allergy therapy that targets T-lymphocytes and/or eosinophils

Preliminary Class

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571 273 8300

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New claim 40 specifies that the glycoposphopeptical is administered topically in the form of eye or nasal preparations such as drops or ointment, or skin or vaginal preparations such as cream and ointment, as disclosed on page 8, lines 18-20

New claim 41 specifies the treatment of patients suffering from extrinsic asthma, intrinsic asthma or mixed extrinsic/intrinsic asthma, based for example on page 8, line 26.

New claim 43, which specifies the treatment of patients suffering from allergic and perennial rhinitis, allergic conjunctivitis, chronic urticaria, atopic dermatitis or laryngeal oedema, is based for example on page 8, lines 26-28.

New claim 44 relates to treating patients suffering from chronic corticosteroid-dependent allergy and asthma. The treatment of chronic disease is stated on page 7, line 20 for example and this is taken in conjunction with the description on page 2, line 19 to page 2, line 10 of the known corticosteroid therapy.

Information Disclosure Statement

Will be filed by mail

Claim Rejections 35 USC §102

Claim 27, as previously worded, has been rejected under 35 U.S.C.102(b) as being anticipated by Sanchez Palacios A. et al Allergol Immunopathos (Madr)(1992), Vol. 20(1), pages 35-39 ("Sanchez").

The Applicants respectfully traverse this rejection for the following reasons:

- 1) Sanchez relates to the treatment of asthmatic bronchitis (which is not asthma) and infectious respiratory disorders.
- 2) Sanchez does not teach a short term treatment followed by a long term remission as required by amended claim 27.

The Applicants will develop these two lines of argument below.

1. Asthmatic bronchitis /asthma and infectious respiratory disorders

(11)

As stated in the Office Action, Sanchez discloses the use of immunoferon (AM3) in the treatment of childhood respiratory pathology. AM3 is the same as glycoposphopeptical as claimed in claim 27.

The skilled person is aware that asthmatic bronchitis is a name given to -----

Thus, the skilled person understands that Sanchez relates to the treatment of infectious respiratory disorders, and did not treat the group of children for asthma or allergy which are non-infectious disorders

2. Short term treatment followed by a long term remission

Sanchez teaches the treatment of children with infectious disorders such as asthmatic bronchitis (not asthma) by administering 2 envelopes (1.g) daily for 4 months. Thus Sanchez does not disclose a treatment of asthma/allergy by multiple doses for a short term treatment period of 1-20 days, preferably 3-5 days, to induce a remission of several months during which further treatment is not necessary. In fact, since Sanchez's treatment extended over 4 months (about 120 days) it has to be considered a long term treatment of the infectious respiratory disorders.

It follows that amended claim 27 is novel over Sanchez.

Moreover, the Applicants submit that the subject matter of amended claim 27 is unobvious and inventive over the state-of-art and in particular over Sanchez, for the following reasons.

The claimed invention relates to the treatment of allergy and asthma in patients in need of such treatment.

Conventional treatments for these non-infectious disorders are treatments with corticosteroids and antileukotrienes as discussed in the application on page 1, line 21 to page 2, line 10.